

## **Public Notice – Environmental Project**

### **PURPOSE OF NOTICE:**

The Department of Environmental Quality seeks public comment on the state's response to the environmental aspects of a proposed activity in federal waters of the Atlantic Ocean.

### **PUBLIC COMMENT PERIOD:**

**June 12, 2014 to July 14, 2014**

### **TYPE OF RESPONSE:**

Federal Consistency Determination

DEQ is reviewing a proposed lifting of a closed area for bivalve fishing in the Atlantic Ocean to determine whether the proposed action would be consistent with the Virginia Coastal Zone Management Program (VCP) established pursuant to the federal Coastal Zone Management Act. The VCP seeks to protect the quality of air, water, and other natural resources in Virginia's coastal area.

### **NAME OF AGENCY PROPOSING THE PROJECT:**

National Oceanic and Atmospheric Administration: National Marine Fisheries Service

### **PROJECT DESCRIPTION:**

NMFS, on request of the Food and Drug Administration (FDA) and pursuant to 50 CFR section 648.76(c), proposes to lift the Northern Temporary Paralytic Shellfish Poisoning Closed Area to the harvest of bivalves for human consumption. This area, in federal waters off the coasts of New Hampshire and Massachusetts, was closed in 2005 at the request of the FDA because the waters contained toxins that cause paralytic shellfish poisoning (PSP). Shellfish contaminated with the toxin, if eaten in large enough quantities, can cause illness or death from PSP. The closure was modified a number of times from 2005 to 2008, and the existing closure was extended from 2008 until 2014. After working with the FDA, the clam industry, and the Massachusetts Division of Marine Fisheries to investigate the matter, and following receipt of a May 19, 2014 request letter from the FDA, NMFS proposes to lift the northern portion of the closed area. The area has not been subject to a toxic algal bloom for several years; testing of bivalve shellfish has demonstrated toxin levels well below those known to cause human illness. FDA and the Commonwealth of Massachusetts will conduct PSP monitoring of bivalves from the area under an agreement. If the closure is lifted, Massachusetts will test the re-opened waters and inform NMFS if the sample results exceed the threshold of public safety, and the FDA and NMFS would work to reinstate the closure.

NMFS indicates that the proposed lifting of the closure is consistent, to the maximum extent practicable, with the enforceable policies of the coastal programs of the states within the jurisdiction of NMFS's Northeast Regional Office; that jurisdiction includes Virginia.

### **HOW TO COMMENT:**

DEQ accepts comments from the public by e-mail, fax, or postal mail. All comments must include the name, address, and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the project document at DEQ's central office in Richmond.

### **CONTACT FOR PUBLIC COMMENTS, DOCUMENT REQUESTS, AND ADDITIONAL INFORMATION:**

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